

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**  
Harrisonburg Division

FILED IN OPEN COURT  
DATE 3/4/2022  
BY Susan Moody  
DEPUTY CLERK  
HARRISONBURG DIVISION, W.D. of VA

**REMY HOLDINGS INTERNATIONAL  
LLC,**

**Plaintiff / Counterclaim  
Defendant,**

**v.**

**Civil Action No.: 5:19-cv-00021**

**FISHER AUTO PARTS, INC.,**

**Defendant / Counterclaim  
Plaintiff.**

**SPECIAL VERDICT FORM**

**MEMBERS OF THE JURY:**

Please answer the questions on this form in the order listed – that is, please start with Question 1, and answer each question in order before moving on to the next question.

Depending on your answers, you may not be asked to answer all the questions on this form.

Please follow the instructions after each question to determine which question to answer next.

We, the jury, unanimously answer the questions to us as follows:

**REMY'S CONVERSION CLAIM**

**Question No. 1:**

Did Remy prove by a preponderance of the evidence that Fisher converted any cores owned by Remy?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

If you answered "Yes" to Question No. 1, then please proceed to Question No. 2. If you answered "No" to Question No. 1, then please proceed to Question No. 5.

**Question No. 2:**

Did Fisher prove by a preponderance of the evidence its defense of laches or its defense of equitable estoppel?

Yes \_\_\_\_\_

No \_\_\_\_\_

If you answered "Yes" to Question No. 2, then please proceed to Question No. 5. If you answered "No" to Question No. 2, then please proceed to Question No. 3.

**Question No. 3:**

Did Remy prove by a preponderance of the evidence that it was damaged?

Yes \_\_\_\_\_

No \_\_\_\_\_

If you answered "Yes" to Question No. 3, then please proceed to Question No. 4. If you answered "No" to Question No. 3, then please proceed to Question No. 5.

**Question No. 4:**

What is the market value of the Remy property that Fisher converted?

\$ \_\_\_\_\_

Proceed to Question No. 5.

**FISHER'S BREACH OF CONTRACT CLAIM**

**Question No. 5:**

Did Fisher prove by a preponderance of the evidence that Remy's failure to keep Fisher competitive in the marketplace in every way caused Fisher damages, which were asserted to be lost sales/profits and cover costs?

Yes ✓

No \_\_\_\_\_

If you answered "Yes" to Question No. 5, then please proceed to Question No. 6. If you answered "No" to Question No. 5, then please proceed to the closing instructions on page 4.

**Question No. 6:**

What is the amount of Fisher's damages given due consideration to Remy's defense of mitigation of damages, if proven by a preponderance of the evidence by Remy?

\$ 1,816,277

If you entered an amount other than "0" in response to Question No. 6, please proceed to Question No. 7. If you entered "0" in response to Question No. 6, please proceed to the closing instructions on page 4.

**Question No. 7:**

Is Fisher entitled to interest on its claim for damages? If yes, please enter a date from which interest will be computed. If no, write "No."

NO

Please proceed to the closing instruction on page 4.

**CLOSING INSTRUCTION**

After answering the questions above as instructed, the jury has completed this Special Verdict Form. The jury foreperson should sign the document for return to the Court.

s/ Foreperson.  
JURY FOREPERSON PRINTED NAME

SO SAY WE ALL

Dated this 4<sup>th</sup> day of March, 2022.